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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,319	12/12/2003	Masafumi Nakamura	500.33792CC3	9076

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ARLINGTON, VA 22209-3873

EXAMINER

HASAN, SYED Y

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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01/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,319

Applicant(s)

NAKAMURA ET AL.

Examiner

Syed Y. Hasan

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/12/2003, 04/27/2006 and 08/30/2007.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11F.3d 1046, 29 USPQ 2d 2010 (Fed. Cir. 1993); *In re Long*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,549,579 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claim 1** of this application, claim 3 of U.S. Patent No. 6,549,579 B2 recite an apparatus for reproducing data from a recording medium, the data including reference time information indicating a reference time and packet information, the

apparatus comprising: reproducing means for reproducing the data from the recording medium; storing means for storing the data reproduced by the reproducing means; rearranging means for rearranging data read from the storing means on a time axis such that a time interval between adjacent data is equal to a difference between respective reference times indicated by the reference time information of the adjacent data; and outputting means for outputting the rearranged data at an output rate equal to or greater than a data rate of the data. It is obvious that the method of claim 1 of this application can be practiced by the apparatus of claim 3 of U.S. Patent No. 6,549,579 B2.

3. Claim 2 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,549,579 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claim 2** of this application, claim 2 of U.S. Patent No. 6,549,579 B2 recite a method wherein the packet information includes at least video packet information into which a compressed video signal data stream is divided, and audio packet information into which a compressed audio signal data stream is divided. It is noted that claim 2 of this application is broader than and encompasses method claim 2 of U.S. Patent No. 6,549,579 B2 and, therefore, obviousness-type double patenting rejection is applied.

4. Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,549,579 B2.

Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claim 3** of this application, claim 3 of U.S. Patent No. 6,549,579 B2 recite an apparatus for reproducing data from a recording medium, the data including reference time information indicating a reference time and packet information, the apparatus comprising: reproducing means for reproducing the data from the recording medium; storing means for storing the data reproduced by the reproducing means; rearranging means for rearranging data read from the storing means on a time axis such that a time interval between adjacent data is equal to a difference between respective reference times indicated by the reference time information of the adjacent data; and outputting means for outputting the rearranged data at an output rate equal to or greater than a data rate of the data. It is noted that claim 3 of this application is broader than and encompasses apparatus claim 3 of U.S. Patent No. 6,549,579 B2 and, therefore, obviousness-type double patenting rejection is applied.

5. Claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,549,579 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claim 4** of this application, claim 4 of U.S. Patent No. 6,549,579 B2 recite an apparatus wherein the packet information includes at least video packet information into which a compressed video signal data stream is divided, and audio packet information into which a compressed audio signal data stream is divided. It is

noted that claim 4 of this application is broader than and encompasses apparatus claim 4 of U.S. Patent No. 6,549,579 B2 and, therefore, obviousness-type double patenting rejection is applied.

6. Claims 5 and 11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,549,579 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claims 5 and 11** of this application, claim 5 of U.S. Patent No. 6,549,579 B2 recite a method of transmitting data including reference time information indicating a reference time and packet information, the method comprising the steps of: rearranging the data on a time axis such that a time interval between adjacent data is equal to a difference between respective reference times indicated by the reference time information of the adjacent data; and transmitting the rearranged data at a transmission rate equal to or greater than a data rate of the data. It is noted that claims 5 and 11 of this application are broader than and encompasses method claim 5 of U.S. Patent No. 6,549,579 B2 and, therefore, obviousness-type double patenting rejection is applied.

7. Claim 6 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,549,579 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claim 6** of this application, claim 6 of U.S. Patent No. 6,549,579 B2

recite a method wherein the packet information includes at least video packet information into which a compressed video signal data stream is divided, and audio packet information into which a compressed audio signal data stream is divided. It is noted that claim 6 of this application is broader than and encompasses method claim 6 of U.S. Patent No. 6,549,579 B2 and, therefore, obviousness-type double patenting rejection is applied.

8. Claims 7 and 12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6,549,579 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claims 7 and 12** of this application, claim 7 of U.S. Patent No. 6,549,579 B2 recite an apparatus for transmitting data including reference time information indicating a reference time and packet information, the apparatus comprising: rearranging means for rearranging the data on a time axis such that a time interval between adjacent data is equal to a difference between respective reference times indicated by the reference time information of the adjacent data; and transmitting means for transmitting the rearranged data at a transmission rate equal to or greater than a data rate of the data. It is noted that claims 7 and 12 of this application are broader than and encompasses apparatus claim 7 of U.S. Patent No. 6,549,579 B2 and, therefore, obviousness-type double patenting rejection is applied.

9. Claim 8 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of U.S. Patent No. 6,549,579 B2.

Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claim 8** of this application, claim 8 of U.S. Patent No. 6,549,579 B2 recite a method wherein the packet information includes at least video packet information into which a compressed video signal data stream is divided, and audio packet information into which a compressed audio signal data stream is divided. It is noted that claim 8 of this application is broader than and encompasses method claim 8 of U.S. Patent No. 6,549,579 B2 and, therefore, obviousness-type double patenting rejection is applied.

10. Claims 9 and 10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,549,579 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because;

Regarding **claims 9 and 10** of this application, claim 9 of U.S. Patent No. 6,549,579 B2 recite an apparatus for reproducing data from a recording medium, the data including reference time information indicating a reference time and packet information, the apparatus comprising: a reproducing circuit which reproduces the data from the recording medium; a storing circuit which stores the data reproduced by the reproducing circuit; a rearranging circuit which rearranges data read from the storing circuit on a time axis such that a time interval between adjacent data is equal to a difference between respective reference times indicated by the reference time information of the adjacent data; and an outputting circuit which outputs the rearranged

data at an output rate equal to or greater than a data rate of the data.

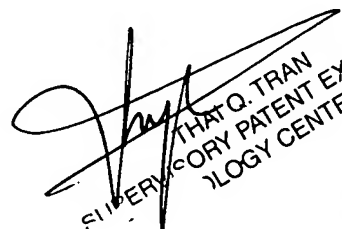
It is noted that claims 9 and 10 of this application are broader than and encompasses apparatus claim 9 of U.S. Patent No. 6,549,579 B2 and, therefore, obviousness-type double patenting rejection is applied.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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